

U.S. Department of Justice
Federal Bureau of Investigation



April 2011

FBI **Law Enforcement** **Bulletin**



Combating Gangsters Online



April 2011
Volume 80
Number 4

United States
Department of Justice
Federal Bureau of Investigation
Washington, DC 20535-0001

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Director

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The attorney general has determined that the publication of this periodical is necessary in the transaction of the public business required by law. Use of funds for printing this periodical has been approved by the director of the Office of Management and Budget.

The *FBI Law Enforcement Bulletin* (ISSN-0014-5688) is published monthly by the Federal Bureau of Investigation, 935 Pennsylvania Avenue, N.W., Washington, D.C. 20535-0001. Periodicals postage paid at Washington, D.C., and additional mailing offices. Postmaster: Send address changes to Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Quantico, VA 22135.

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The Training Division's Outreach and Communications Unit produces this publication with assistance from the division's National Academy Unit. Issues are available online at <http://www.fbi.gov>.

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Cover Photo

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Send article submissions to Editor,
FBI Law Enforcement Bulletin,
FBI Academy,
Quantico, VA 22135.

FBI Law Enforcement Bulletin

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Combating Gangsters Online

By MATTHEW O'DEANE, Ph.D.

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As gang members increasingly use the Internet, law enforcement personnel need to become more Web savvy. Internet sites, like MySpace, YouTube, Twitter, AIM, and Facebook, continue to grow in such use, and, thus, officers need to understand how to investigate gang-related activity in an online environment.

Many of these Web sites contain information that investigators

will find relevant to their cases. Officers can tap into this important source of data by making formal legal requests in a timely manner; this process typically requires a grand jury subpoena, administrative subpoena, court order, search warrant, or user consent pursuant to the Electronic Communications Privacy Act (ECPA) to get the service providers to comply.¹ By exploiting gang members' online

activity, investigators use an important weapon in the war against illegal gangs.

INTERNET COMMUNICATION

Its ease of use, potential audience size, and reduced risk of user detection has made the Internet one of the most prominent methods of gang communication. Gangs of every ethnicity and age group in jurisdictions

across the nation and beyond increasingly take advantage of today's advanced telecommunications capabilities.

Most gang members have a personal Web page (usually through a free Internet service), social networking account, or chat room access. These users can create profile pages, which may include general biographical information; lists of their favorite musicians, books, and movies; photos, at times featuring them and their friends displaying gang-related hand signs or holding weapons; videos of themselves and associates, perhaps even talking openly about their exploits; and links to related Web pages. They also can send and receive personal messages and communicate privately in chat rooms. The more

sophisticated home pages share a number of common elements, such as unique slang; members' e-mail addresses; forums for gangsters' opinions; sections dedicated to honoring deceased members; and links to affiliate gangs' e-mail addresses and Web sites.

Gangsters conduct various types of activity online. Many of them routinely place videos on YouTube featuring them even, at times, singing about their criminal lifestyles. Others advertise prostitutes on the Internet. Members of gangs use Web sites to glorify their group and its members; recruit new gangsters; inform other members of meetings, parties, and other relevant information; commit criminal activity, such as intellectual property

crimes, identity theft, and fraud; conduct recruitment activities; provoke rival groups through derogatory postings; and spread their message and culture.

VARIETY OF INFORMATION

Many times, officers will find gang-related Web pages; secure sites that require passwords accessible only to gang members; or links to gangsters' instant messaging, e-mail, audio, or text-messaging services. On other occasions, investigators may locate one via an informant who may provide, if necessary, a name and password needed to access and explore the site. Or, an officer will formally request the needed information.

Gang members' Web pages often help to prosecute them. While pursuing pertinent online information, investigators must understand the law and recognize exactly what they and the service providers can do. Officers also should know how gang members use the Internet and should use against them their desire for recognition and respect in their subculture.

Basic Subscriber Data

Basic subscriber information may include gangsters' first and last names, user identification number, e-mail address, registered mobile number,



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Internet protocol (IP) address at the time of sign-up, date and time of account creation, and most recent logins (generally the last 2 to 3 days prior to processing the request). In general, successful data retrieval depends on the investigator finding a gangster's user ID, group ID, or the associated user name or group name; officers can locate this information by checking the e-mail addresses connected with gang members' accounts.

The author has had success by accessing and exploring informants' accounts (upon gaining their consent) to find information on targets—often fellow gang members—of investigations and then taking the necessary steps to gain additional data (e.g., a user's name, date of birth, address, gender, and private message information). When dealing with service providers, investigators will benefit by having valuable information up front. Requests without specifics typically require more time and effort to identify a particular user account. Generally, officers will need a court order under Title 18, U.S. Code, Section 2703 (d); a search warrant; or user consent.

IP Log-In Records

Investigators can access logs showing the IP address assigned to users and the dates and times

that they accessed their profiles. The process required to obtain historical records typically includes a grand jury subpoena or administrative subpoena under Title 18, U.S. Code, Section 2703 (c)(2); a court order; a search warrant; or user consent. Prospectively capturing log-in IPs typically requires a pen register/trap-and-trace order under Title 18, U.S. Code, Section 3121.

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Private Messages

Private messages in a gangster's inbox remain available until the individual removes them. Service providers do not maintain copies of messages marked for deletion by a user and cannot recover them once deleted. And, without an already operational Title III wiretap, investigators have no access to them. Gang members' private messages not manually deleted stay in the sent box for 14 days.

Additionally, bulletins sent from and held for users on service provider servers are available.

To obtain messages less than 180 days old, investigators need a search warrant under Title 18, U.S. Code, Section 2703 (a); or user consent. For older messages, officers need a subpoena or court order where the government provides prior notice to the subscriber (or delays notice under Title 18, U.S. Code, Section 2705), a search warrant, or user consent. For example, an investigator may present a warrant asking the provider for records pertaining to a particular user ID, including the person's name, postal code, country, and e-mail address; date of account creation; IP address at account sign-up; logs showing IP address and date stamps for account accesses; and the contents of the user's inbox and sent mail folder.

Photoprint

The photoprint is a compilation of all photos uploaded and not deleted by the user, along with those uploaded by another individual and featuring a tag of the user of interest. A request should specify photo prints related to a particular user ID. Officers should remember that these pictures typically are delivered in PDF format and contain profile information, such

as links to other photos, videos, and blogs. The process required to get this information involves a grand jury or administrative subpoena; court order in which the government provides prior notice to the subscriber under Title 18, U.S. Code, Section 2703 (b)(2) (or delays notice under Title 18, U.S. Code, Section 2705); search warrant; or user consent.

Videos

Gang members often post videos of themselves, sometimes conducting incriminating activity, on Web sites, such as YouTube. These videos provide an excellent way to prove that individuals in an investigation are gang members. As the videos are public domain, they need simply to be downloaded. Later, they can serve as valuable evidence for a jury.

Forensic Evidence

In many cases, a tremendous amount of information, such as instant messenger chat and client logs, may exist on the gangster's personal computer—of course, not in the possession of the service provider. Cookie data can remain on a gangster's computer for extended periods of time if the individual did not clear it after using the machine to access an ISP account. Investigators easily can find that information. The same is true with cached pages—electronic

copies of viewed pages—stored on the local machine until the user or computer removes them. This can include viewed images.

To obtain such information, investigators should include personal computers in all gang-related search warrants when appropriate and should search and seize the machines in accordance with these warrants to gather as much evidence against



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a gangster as possible. These search warrants are defined under Title 18, U.S. Code, Section 2703.

Location Tools

Investigators also can take advantage of applications that can allow someone to locate a cellular telephone from a computer or another cell phone. While designed to locate a lost cellular device, these applications can find a potential victim just as well. For a nominal cost,

officers can have a program that not only will follow people in real time but provide turn-by-turn directions on how to get to them. Gangsters often want their friends to know where they are, but, if their friends know, so can their enemies. Many of these individuals add a location to their tweets letting all of their friends know where they are. This, of course, can be used by rival gang members to find or set them up by intercepting tweets or by having associates pass these messages along to them.

PROCUREMENT PROCEDURES

For information requests, service providers need the identity of requesting officers; their agency; employer-issued e-mail address; telephone contact, including area code and extension; and department mailing address (a post office box often will prove insufficient). They also must have a response due date, which typically should allow them at least 2 to 4 weeks for processing. Service providers also should receive from investigators specific details pertaining to the account, such as dates of interest—data pertaining to large periods of time may be unavailable or labor intensive to retrieve. Most of the communication between the requesting officer and the service provider will be via

e-mail, including the returned data, which also may be mailed on storage media.

Many times, such requests involve costs that may need management approval. Service providers typically reserve the right to charge reasonable fees, where permissible, to cover the cost of replying to user data requests, such as search warrants or subpoenas. Title 18, U.S. Code, Section 2706, defines and governs these compensation matters. This does not require government agencies seeking certain categories of information to pay for subpoena compliance unless the request is overly burdensome.

Search Warrants

As with all warrants, investigators need to explain why they need the information. For example, officers may want to tell the judge that based on their training and experience, they know that gang members and their crimes are inherently conspiratorial in nature and involve continual and regular contact between the gangsters. As such, the investigators would believe that by securing the requested information for the appropriate time period that they will collect sufficient evidence to identify the criminals.

And, just like every other search warrant, officers need to identify the account information of interest and the items they

intend to seize. Further, investigators should specify the address, but include language covering *all* storage locations owned, maintained, controlled, or operated by the provider. This is in case the data is stored at a location other than the headquarters address.

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Emergency Disclosures

Web providers voluntarily can disclose information, including user identity, log-in information, private messages, and other data, to federal, state, or local authorities when they believe in good faith that an emergency involving danger of death or serious physical injury to any person requires such disclosure without delay. Emergency disclosures must meet the threshold requirements of the ECPA as demonstrated in writing by the requestor. Law enforcement officers must be careful not to include a promise

of future process or sign forms that promise such.

In these situations, service providers will supply information pursuant to Title 18, U.S. Code, Sections 2702 (b)(6)(C) and 2702 (c)(4). Emergency disclosures are not compelled, but voluntary on the part of the provider, who may refuse without legal consequence. Often, they seek information, the amount of their choice, to enable them to determine whether an emergency exists. Typically, an emergency disclosure statement by law enforcement, including a description of the nature of the emergency (e.g., potential bodily harm or kidnapping), is required; and, even though the guidelines may vary slightly between service providers, most require essentially the same facts.

Pursuant to Title 18, U.S. Code, Sections 2702 (b)(7) and 2702 (c), officers need to give as much information as possible to persuade the provider to supply the information needed. Investigators should seek only information they believe will assist them in protecting those potentially affected by the emergency. Officers must attest that the request is true and accurate to the best of their knowledge and sign the request.

User Consent

Similar to when they knock on doors and ask for consent



to search, officers can do essentially the same with Internet service providers. Information can be obtained pursuant to the voluntary consent of the user per Title 18, U.S. Code, Sections 2702 (b)(3) and 2702 (c) (2). Authentication of the true identity of the user must be provided and articulated in the consent request (e.g., a notarized consent letter).

OTHER REQUESTS

Disabling Accounts

Most providers will not disable an account if it will jeopardize an ongoing investigation. Officers not wanting targets to know that their account is being

investigated should clearly specify not to disable an account until a particular date. Conversely, investigators who want an account disabled immediately—to stop threats, for example—and who do not care if the target knows can indicate that it is not a problem to disable the account.

Preserving Records

In accordance with Title 18, U.S. Code, Section 2703 (f), providers

must comply with requests by law enforcement to preserve information for 90 days with an extension for another 90 days upon a renewed request per Title 18, U.S. Code, Section 2703 (f)(2). Pending the issuance of a subpoena or search warrant, providers will preserve information in accordance with the law but will not produce data until receipt of a valid legal request. When service providers receive a preservation request, they merely save a copy of the information they possess, which will be retained and later provided to law enforcement upon presentation of legal process. However, investigators should

note that gangsters can continue modifying the information on their page as before and that these actions will not affect the stored copy retained by the service provider.

Officers should not routinely seek preservation of all data, only what they intend to obtain through the legal process. Otherwise, providers will be preserving, in some cases, a vast amount of data, perhaps not valuable to law enforcement personnel.

Officers should tell service providers that failure to comply with the request could subject them to liability under Title 18, U.S. Code, Section 2707 and ask that they do not disclose the existence of the request to the subscriber or any other person unless necessary. Investigators also must ensure that they provide a means for providers to contact them; they further should thank these individuals for cooperating. Once information in an active account has been preserved, the account will remain active, and the user will not be prevented from logging into it. Any request to restrict the user's access to the profile should be based on investigators' assessment of whether this would impede the investigation.

CASE EXAMPLES

To gain a greater understanding of how gang members' online activities can help in

investigations, officers can benefit from real-world examples. To this end, the author offers three cases.

Case #1

A gang member testified in court against his associates who committed two murders. Just prior to taking the stand, the witness received threats via instant messaging, which he relied on to stay updated about goings-on in the gang. Particularly disturbing were a common greeting for his fellow gang members followed by a threat to his family and a listing of his home address. Clearly, this situation demanded immediate attention.

With the witness' consent, the author examined the phone and obtained the necessary information to get a warrant to identify the source of the threats. The service provider was contacted, and a warrant was drafted that resulted about 5 hours later in the identification of the account holder sending the threats. The following day, the fugitive task force arrested this individual. As it turned out, a gangster in court had been relaying information to a fellow gang member in another state. This individual then forwarded the texts to the witness in an attempt to get him to recant or fail to testify. Fortunately, it did not work. The witness took the stand and

testified, and a bold statement was made to the gang: Those who make threats against a witness in a gang case—in person or online—will be held accountable for their actions.

Case #2

In another case, four gang members arrested for involvement in a shooting were awaiting trial in county jail. All initially claimed they were not active members. However, a

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Gang members' Web pages often help to prosecute them.

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visitor took cell phone pictures subsequently posted on MySpace of two of them throwing up gang signs while waiting in a holding tank for the trial to begin. Once confronted with the photos, they stopped their denials of gang affiliation. Further, investigators knew when and where the photos were taken.

Case #3

On a Web page, a gang member had pictures of himself holding several guns and

communicating that he was on a “murder mission.” He provided his gang name, moniker, and specific photos showing his tattoos; his identity and home address later were determined. After a short surveillance, officers arrested him and conducted a search of his car and home, finding several guns and a lot of gang evidence. The arrest never would have been made if not for the creative and proactive approach taken by investigators to use the gang's desire for recognition against them.

CONCLUSION

Investigators have access to much information online that can help them in their cases against gang members. A search of the cyber world should be part of every major gang investigation; it should not be an untapped resource in any jurisdiction. Officers should take advantage of the information superhighway to make the community safer and successfully prosecute gangsters by using against them their desire to be well-known, respected, and feared. It takes effort and time but has proven in many cases to be well worth it. ♦

Endnotes

¹ Title 18, U.S. Code, Section 2701, *et seq.* For additional guidance on the issues discussed in this article, access the Web site of the U.S. Department of Justice, Computer Crime and Intellectual Property Section (CCIPS) at <http://www.cybercrime.gov/>.

Are You an Effective Leader?

Regardless of our rank or assignment, we all are potential leaders. Most of us talk about, aspire to, learn of, and, at times, fail at leadership. You may picture it in your mind's eye but be unable to explain or describe leadership. We all know various types of leaders, including those we would follow into the worst of situations, expecting success. However, others we probably would not want even to accompany across the street.

The positive and negative attributes that encompass a leadership style vary just as we do. For some individuals, leadership comes naturally. Others must try many styles and approaches before finding the one that works for them. Some never may find the right fit. Ultimately, there are good, bad, and weak leaders.

All such personnel can be grouped into three categories: leaders, evil managers, and ineffective managers.¹ "Leaders tend to generate commitment in most people they supervise. They lead by example, both professionally and personally. Though they fail on occasion, overall they consistently discipline themselves to demonstrate recognized leadership behaviors in their dealings with others."² You will remember these leaders when you look back on your career as a police officer. Such high-quality leaders may have confronted you from time to time, but they also listened to you and

knew more about you than, perhaps, some of your friends.

"Evil managers are the antithesis of their leader counterparts. They are consistently destructive to the organizational culture and to employees, and they are widely distrusted and despised throughout the agency. They are egotistical and self-centered, and they have a predatory perspective on others. They may have

strong ethical and character problems and often engage in inappropriate behavior."³

You will remember these individuals and swear that you never will treat others as they did.

"Ineffective managers...are basically ethical and caring people like their leader counterparts; however, they do not consistently practice and demonstrate good leadership behavior with their subordinates. They are not disliked by the rank and file, but neither are they respected. They are perceived by most as wishy-washy and inconsistent. Employees cannot trust them to stand behind them."⁴ These individuals may know something about good leadership, but they cannot accomplish it. On a positive note, they basically are good people who can improve if they so desire. Such personnel may be new in their positions and have much to learn. Perhaps they have lost their way and, with proper guidance and support, can turn their leadership abilities around.

Aspiration

Leadership is an individual matter. What works for one person may not work for someone else. Also, leadership encompasses many things: knowledge, skills, attitude, presence, perseverance, humility, adaptability, and creativity. You can follow strategies that may help improve your leadership abilities.

- *Find a mentor.* Locate someone you trust and learn from them. Ask them what has and has not proven successful. Explain your thought processes and how you made some of your decisions. Hopefully, these conversations will expose you to new thoughts and experiences without the firsthand pain of someone else's mistakes.

- *Seek feedback.* Find other people willing to provide honest, critical feedback. Seek it at various times and for different reasons. Do not ask for feedback only when you want positive reinforcement. Some of the most effective feedback comes after unsuccessful decisions. It also may prove ideal to have this feedback from a variety of levels or perspectives. If possible, find someone above your rank, another at your level, and a third below your rank—perhaps, the most difficult source from which to receive honest feedback.

- *Read.* Some of the most successful leaders have been avid readers. Writer and politician Joseph Addison wrote,

“Reading is to the mind what exercise is to the body.” Discover different points of view on all sorts of topics. Read about things you like. Learn about things unfamiliar to you. Become a student of learning.

- *Be empathetic.* People around you want to know they can bring things to your attention—both good and bad. Be a listener. You do not always have to be a problem solver. Theodore Roosevelt once said, “Nobody cares how much you know, until they know how much you care.” How do we move organizations forward if the people around us are afraid to talk with us about critical issues?

Ultimately, your leadership style is up to you. Maybe you still are figuring out your leadership style. Or, perhaps you already are a top leader. Chances are you are not there yet, but, you can get there. Like many other important things in life, being a good leader takes hard work and continued effort. ♦

Endnotes

¹ Jack Enter, *Challenging the Law Enforcement Organization* (Dacula, GA: Narrow Road Press, 2006).

² Ibid.

³ Ibid.

⁴ Ibid.


Commander Cory Amend of the Broomfield, Colorado, Police Department prepared this Leadership Spotlight.

Law Enforcement Professionalism Training Is the Key

By ANTHONY J. PINIZZOTTO, Ph.D., SHANNON BOHRER, M.B.A., and EDWARD F. DAVIS, M.A.

American law enforcement is professional, effective, efficient, and, often, regarded as a model to follow worldwide. Some would hold that a significant factor in the history of this professionalism is training, which imparts the knowledge, skills, and attitudes that form its foundation.

The recent deep economic decline in this country negatively affected city, county, and state governments. In response, these entities made drastic budget cuts that impacted most public service organizations in all jurisdictions. Law enforcement executives now must reduce budgets that, in many cases, they viewed as inadequate to begin with. Deciding what to cut while, at the same time, continuing to provide adequate safety to their communities and members of their agencies is a daunting task. Historically, chiefs and sheriffs have attempted to cover budget cuts by not replacing members who retire or leave their agencies. Today, this measure may not make up the budget shortfall. Some view decreasing recruit training as preferable to eliminating current employees. Additionally, in-service training frequently is reduced to the minimum state Police Officer Standards and Training (POST) requirements. While often hard to justify, however, training constitutes the glue of effectiveness that forms the foundation for successful law enforcement efforts.



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Placing scarce resources up front in training can produce safe, effective, and efficient officers, supervisors, and administrators, which can lessen operating costs in the long run. As an old advertisement for oil filters pointed out, “You can pay me now, or you can pay me later,” the idea being that sometimes a small investment can result in large savings. The cost of an oil filter is minor compared with that of an engine. The same holds true for law enforcement training.

NECESSITY OF TRAINING

In many ways, these difficult economic times should cause agencies to reevaluate their training needs, including

the topics covered, the methodology used, and the effectiveness achieved. With fewer available resources, law enforcement organizations need to ensure that with their training, they are doing the right thing and doing it the right way.¹ What is the cost to a department for an illegal arrest, use of excessive force, or a wrongful death? It seems reasonable to assume that if training could prevent these events, it would be done. Of course, even with the right training, these still can occur. Conversely, without such training these incidents will take place and probably more frequently. Training is rarely viewed from the perspective of risk management, yet a direct relationship exists.

HOUSE OF TRAINING

Thinking of police training as a house can illustrate how to divide the process into four categories. While each has a different purpose, all of the training is interrelated and interdependent, just as the foundation, walls, and roof support and form a structure.

- 1) Entrance-level training (initial knowledge, skills, and attitudes for new officers)
- 2) In-service training (maintenance of skills taught in entrance level, along with knowledge about new laws, enforcement procedures, and safety practices)
- 3) Supervisor training (specific information tailored



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to overseeing rank-and-file members and to developing instructional abilities)

4) Administrator training (influences direction and operational effectiveness of the organization)

The authors offer these four categories of training only as a guide that can represent the training in any agency. Not meant to be all inclusive, these do not encompass every possible training need, but give an overall view. When examining their training needs, agencies should take the overall view because training greatly influences and shapes the interdependency and interrelationships of their officers, units, and ranks and affects every law enforcement function.

Entrance-Level Training

Viewing police training as a house requires starting with sound raw materials: the recruits. The right training can shape the recruit into a potentially long-term effective and efficient employee. Entrance-level training does not end or finish the training process but, rather, allows the recruit to operate with minimum supervision and to continue learning through experiences and in-service training. Selecting quality recruits is like choosing the best materials to build the foundation of a house. After

all, everything else sits on the foundation. Without the proper foundation materials (the recruit and the entrance-level training), the long-term product has no guarantee of success.

Maintenance Training

As with any house, police training must be maintained. This involves the in-service and specialized continuum of training that officers need. Selecting appropriate candidates and

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providing sound entrance-level training began the process of turning the raw materials (recruits) into the solid structure. When quality recruits receive the correct entrance-level training, they gain the knowledge, skills, and attitudes to become effective and efficient officers for a long time. However, if the training stops at that point, their efficiency can decline. Agencies should view regular in-service

and specialized training, just like the initial recruit selection and training, as a long-term investment. Building a house well with a solid foundation creates a positive investment, but, without maintenance, unexpected problems will develop.

Supervisor Training

Even with the proper maintenance, at some point, a house may need remodeling. The same holds true in police training. Oftentimes, agencies select officers who excel at a particular skill to become supervisors and trainers, which does not always work well. Those who mold and build the raw materials (the recruits) into effective and efficient officers and who take seasoned professionals and form them into supervisors and managers need to receive specific training following an extensive selection process. Supervising and instructing others require not only subject-matter expertise but also the ability to accurately convey knowledge to others. Continued training for supervisors and instructors must include evaluating their training skills and how well they apply them.

Administrator Training

The final category, administrator training, frequently is overlooked. Agencies often assume that officers who worked

the streets, arrested people, and became supervisors or trainers have gained the necessary experience. Arguments have been made in both directions on this topic, with both having valid points. One argument is that all of the preceding training—as an officer, supervisor, or trainer—helped prepare the individual for the position. The counter argument holds that all of the previous training was targeted toward those previous assignments, whereas administrative positions require additional skills. Supervisors supervise people and managers manage programs, but administrators need all of these abilities plus leadership. Another valid argument could be made that administrators are the most important because they determine the training content, budget, and direction of their agencies. Administrator training also can prove difficult to obtain because only a few nationally recognized law enforcement training academies, such as the FBI National Academy, offer such courses.

When comparing police training to a house, administrators represent the long-term investment potential that all home owners recognize as the bottom line. Using the best materials, performing continual maintenance, and remodeling portions when needed culminate in a



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structure that can last through many generations—so also can law enforcement agencies that understand the importance of well-trained leaders who can move their organizations forward through whatever challenges they may face.

CONCLUSION

Training should be viewed as an investment law enforcement agencies make for the present and future. With fiscal restraints, however, it often becomes one of the first casualties. Because training forms the center of law enforcement effectiveness and efficiency, administrators have a fiduciary responsibility to examine the resources they use to ensure that their citizens are getting their money's worth. Questioning their training programs, content, and projected benefits can prove

a better course of action than merely halting training altogether. After all, recruiting, hiring, and training officers who work a long and productive career—from recruitment to retirement—represents a lofty goal that every chief and sheriff tries to attain. By doing so, these leaders can safeguard their communities not only for the short term but for future generations. ♦

Endnotes

¹ The authors based this article on their personal experiences in the law enforcement profession and on three main references: Peter Senge, *The Fifth Discipline: The Art and Practice of the Learning Organization* (New York, NY: Broadway Business, 1994); Walter Dick and Lou Carey, *The Systematic Design of Instruction* (Glenview, IL: Scott, Foresman/Little Brown Higher Education, 1990); and Robert Gagne and Karen Medsker, *The Conditions of Learning: Training Applications* (Fort Worth, TX: Harcourt Brace and Company, 1996).

Safeguard Spotlight

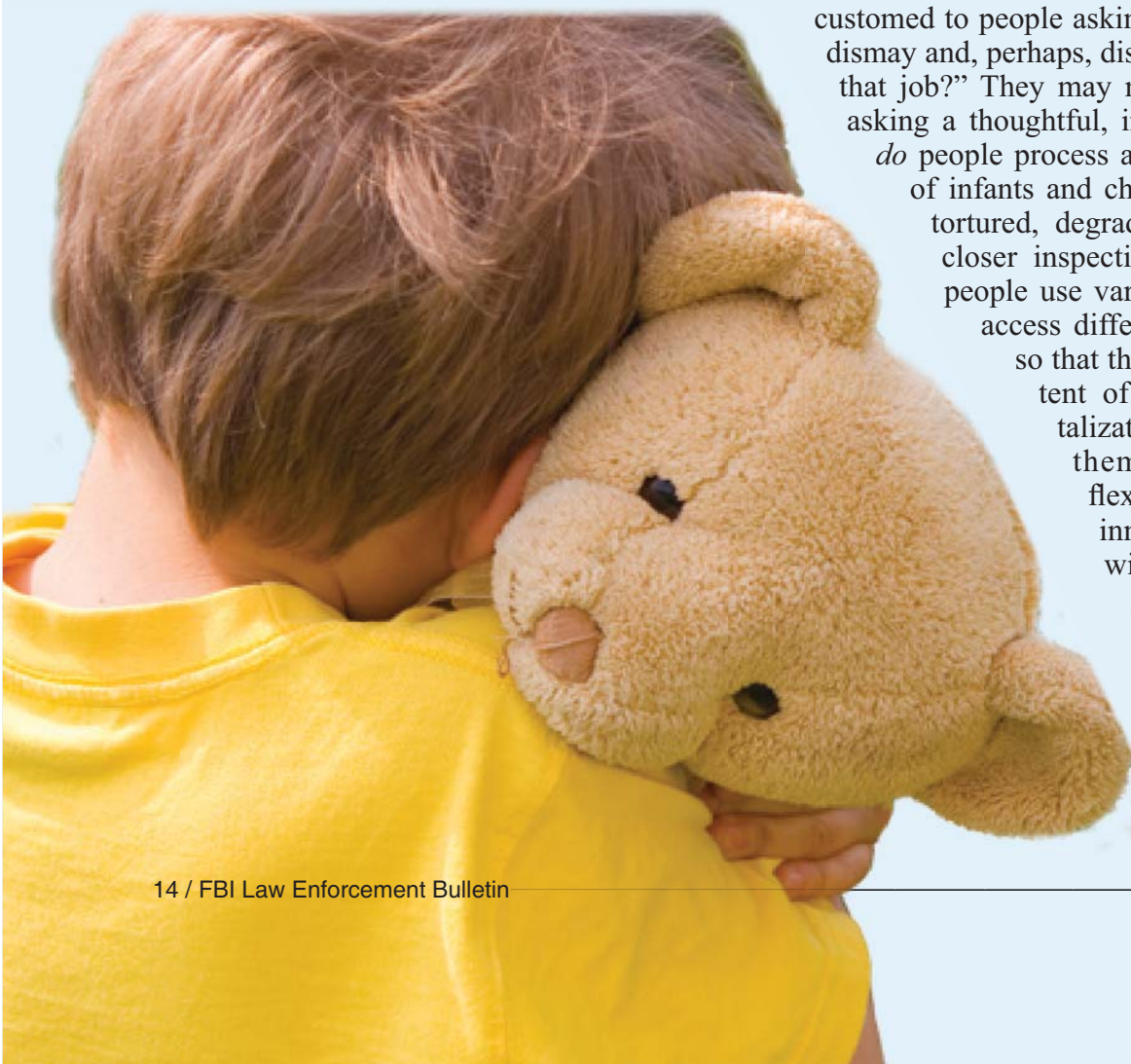
Coping with Line-of-Duty Exposure to Child Pornography/Exploitation Materials

By Nicole Cruz, Ph.D.

Most officers who investigate or assist in cases involving exposure to child exploitation materials (CEMs) wittingly or unwittingly spend time and energy learning how to master the skill of compartmentalization—using their personal psychological resources to separate themselves from the toxicity of these graphic images and videos. Compartmentalization helps investigators operate within a space of wellness where they can continue to work without having these materials bleed excessively into their relationships, religious faith, and sense of safety in the world. Their success in this endeavor proves crucial to preserving what they hold most dear.

Individuals commonly assume that compartmentalization is a one-dimensional skill that everyone does the same way. However, as a clinical psychologist who provides, through testing and interviews, robust annual psychological assessments to a team of approximately 500 investigators exposed to CEMs, I have witnessed individuals compartmentalize in a variety of ways as a method of coping. I see some of the brightest, most highly skilled professionals use creative, thoughtful ways to process their responses to CEMs so they can continue to work on these cases. The end result may look the same for every individual—the person has found a way to cope with the unthinkable.

Many members of the team have grown accustomed to people asking them, with a look of dismay and, perhaps, disgust, “How can you do that job?” They may not know that they are asking a thoughtful, intricate question: How *do* people process and cope with the sight of infants and children being exploited, tortured, degraded, and raped? Upon closer inspection, I have found that people use various coping styles that access different personal strengths so that they can survive the content of CEMs. Compartmentalization skills may manifest themselves as strong or flexible mental abilities, an innate ability to repress, or willful or unconscious engagement in behaviors that make investigators “shift gears.”



Many officers haphazardly stumble upon their strengths—they have an uncanny ability to use their cognitive labeling skills to quickly categorize images, thus distracting them from the personal or emotional perspective. Others, through painful trial and error, finally discover their way; for example, they decompress from work stress during their drive home and then spend time with their children to separate themselves from the job. Some investigators bravely discover that they should not do this kind of work. Others, sadly, try to cope in ways that they imagine one should—perhaps, like their colleagues. In comparing themselves with others, they muddy their own process of discovering their coping style and cast doubt on their abilities.

Some of the most reassuring support that I have provided to investigators has been in the validation of their coping strengths, as well as their vulnerabilities, through the clinical interview and psychological test findings. Investigators must recognize their strengths and have insight into their personal coping styles. It normalizes the process for them as they realize that they comprise part of a larger community doing this type of work. This practice also may encourage officers to stop trying to emulate their colleagues' coping styles and discover their own, which always is the more resilient option.

Potential vulnerabilities correspond with every coping option. As a rule, it proves helpful to remember that any coping skill can be dysfunctional if it becomes excessive, rigid, or distorted with use. For example, officers who, as a coping style, expertly label disturbing images may find that they also numb their emotions when dealing with family stressors. Thus, investigators must develop one or more strong relationships (e.g., coworkers, a spouse, family members) with people close to them and willing to let the officers know if they have changed in ways unhealthy for them or those around them.

While psychologically assessing officers exposed to CEMs, I have discovered eight common coping styles, along with accompanying vulnerabilities. Investigators can identify their top three and consider the potential vulnerabilities and ways to counteract them.

1) Emergency Workers

- Naturally compartmentalize well
- Have had none or little *obvious* work/home spillover
- Typically have had a history of working with critical incidents (e.g., have seen dismembered bodies in the line of duty)
- Use compartmentalization skills that feel familiar

Negatives

- Unconscious crossover stress from work, noticed more by others (e.g., increasing grumpiness)
- Harder to treat—individuals do not want to admit a “weakness”
- May have more psychosomatic difficulties (e.g., “I feel great, but I have high blood pressure.”)
- “Numb” themselves in situations outside of work (e.g., “Why is everyone around me so emotional?”)

2) Athletes

- Diffuse stress physically (e.g., exercise, yoga)
- Engage the mind-body connection
- Typically are disciplined (e.g., exercise 3 or more times per week)
- Stay fit—increase overall sense of wellness and competency

Negatives

- Must rely on a rigid schedule and a high energy level
- Depend on an external coping skill and are vulnerable if unable to exercise and without another coping style

3) Challenge Seekers

- See difficulties as challenges
- Have a resilient perspective
- May try different coping styles to master tasks and stress
- Sharpen existing coping skills

Negatives

- Sometimes apply undue pressure on themselves
- May let their guard down (become complacent) when they feel comfortable, giving the perception that they have reached mastery level and, thus, needing to continuously use this coping style

4) Team Players

- Actively engage with coworkers (e.g., use dark humor)
- Develop supportive relationships on and off the job
- Can vent, or express their feelings, well
- Use healthy processing of emotions
- Make excellent colleagues/teammates
- Create a safe environment in which people can process their responses to images

Negatives

- Although team players, have to work solo
- May have a team comprised of distant relationships or, perhaps, featuring persons who cause stress

5) Ritualists

- Develop rituals (e.g., playing with kids, prayer) to diffuse stress or to help compartmentalize
- Have developed a creative and hardy approach to coping
- Engage in therapeutic coping that could have healing properties
- May engage their existential/spiritual beliefs
- Make good use of time—less time consuming in the long run to develop a ritual

Negative

- May need to complement rituals with other coping methods

6) Professionals

- Focused on the evidence, not the personal element
- Mentally diffuse/compartmentalize the content
- Use what psychologists may label as a cognitive strategy—increases coping abilities

Negatives

- May minimize the strength of the evidence
- Could have difficulties processing the affective component and its impact, or when they need a break (enough is enough)

7) Pragmatists

- Were “volunteered” to do this duty—was not an option
- May just be focusing on what is practical to them
- Want to work this duty partly because it works well with their schedule or commute

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- Appreciate the additional income or compensatory time
 - See this job as means of career advancement

Negatives

- Vulnerable to having significant negative impact (vicarious trauma) if they do this duty against their wishes, particularly if they are experiencing high, pervasive levels of distress
- May indicate poor prioritizing if they chose this for practical reasons, are being distressed, and they continue to work this duty
- They or the system they work in may not fully appreciate self-care as a necessity when their work involves exposure to CEMs

8) Believers

- Highly motivated with a sense of duty or calling for their work
- Rely on their instinct to protect children
- Can persevere despite difficulties because of the meaningfulness of their work
- Are hard workers
- Have high levels of “compassion satisfaction”—a great buffer for this type of work
- Believe and know that their work has great purpose

Negatives

- May not stop when they should
- May minimize their personal difficulties
- May not invest in support to the degree of what they need
- Most vulnerable to burnout (personally and systemically)

So, if investigators handle cases that involve exposure to CEMs and someone asks them the question, “How do you do that kind of a job?” they can have additional insight into the true response. In summary, they can say, “I can do it because I have found a way to.” The quiet, indestructible instinct to protect children can be one of the most powerful motivators. ♦

Dr. Nicole Cruz of the FBI's Undercover Safeguard Unit (USU) prepared this Safeguard Spotlight. USU provides guidance and support for personnel exposed to child pornography and child exploitation materials. The unit can be contacted at 202-324-3000.

“How do you do that kind of a job?”

“I can do it because I have found a way to.”



Police Practice

Harnessing Technology to Transform a Police Department

By Cam Coppess



Law enforcement agencies strive to enhance the way they deliver police services. To accomplish this, many departments wish to improve how they store and analyze the information they gather 24 hours a day, 7 days a week. Often, technology best solves this problem, but limited budgets challenge police administrators to determine the most cost-effective tools. At times, tight budgets prevent departments from prioritizing new technology, but at the West Des Moines, Iowa, Police Department (WDMPD), we found that the return on such investments extends far beyond sophisticated software; the collaboration and co-operation required to implement this technology made us a more effective, proactive agency.¹

A recent burglary investigation perfectly illustrates how developing our department's technological capabilities drastically boosted our effectiveness. When a burglar robbed a local retail store, our officers responded to the call and investigated the crime scene with a wide range of tools: they practiced tried-and-true interview techniques, examined the store's surveillance footage, and employed our latest technology, such as a computerized records management system and a law enforcement data-sharing site. With these tools, they gathered enough information for our crime analyst at the station to build a six-person photographic lineup that included the suspect's picture. The analyst e-mailed this document to the

officers' mobile data computers in their patrol cars. When an officer showed the lineup to a witness, the witness identified the suspect, and a judge issued an arrest warrant, all within 4 hours.

This successful case occurred recently, but we started on this journey to capitalize on new technology to improve police services in 1999. With 65 sworn officers and 22 civilian employees, we comprise a relatively small operation. Despite our limited staff and tight budget, we wished to transform how officers report information from the street into computerized systems, as well as how they retrieve information gathered by others. Also, we needed to build relationships with community partners to increase awareness about our efforts and ask for their support. Eleven years later, we have information systems that identify crime and quality-of-life issues. This allows us to implement successful solutions and reduce crime.

This transformation required far more than the purchase of new software. Undoubtedly, our department acquired more advanced technology, but these tools would be worthless if we did not train our employees properly, collaborate with other law enforcement and government offices, and ask the community for feedback and support.

TECHNOLOGICAL IMPROVEMENTS

Computer-Aided Dispatch (CAD) and Record Management Systems (RMS)

At WDMPD, we began this process by upgrading our computerized records systems. We purchased commercial off-the-shelf products, worked with third-party vendors, and partnered with county government offices to create a system that

allows officers to submit information electronically. As a result, we have a central records component that integrates with our dispatch system. Once the information enters the computer-aided dispatch (CAD) and records management systems (RMS), we use it to identify patterns and implement initiatives to address crime trends and quality-of-life issues in different locations.

Mobile Data Browser

Next, we improved how officers on patrol communicate with the station by establishing a mobile data connection between squad cars and dispatchers. When dispatchers receive a call, they immediately enter information into CAD and RMS simultaneously. The dispatcher then voices the information over the radio while the system sends the information to the mobile data computers in the patrol vehicles. This two-way connection between the patrol cars and the dispatcher permits officers to receive or initiate calls for service, as well as report information back into CAD and RMS. The mobile data computers also provide patrolling officers with access to the Iowa Online Warrants and Article (IOWA) system and the National Crime Information Center (NCIC). This expedites communication between dispatchers and officers and allows us to track the response time and duration of each service call.

We connected the mobile data computers in each patrol car to the city's computer network through an evolution-data-optimized modem. To assuage security concerns, we secured our devices through a virtual private network. Through this network, we exchange a large amount of data between the patrol car computers and the central servers; this means that the officers on patrol can

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access all of the same information systems available at the police station. Also, as many of the tools are Web based, we equipped the mobile computer with Internet access so that officers can take full advantage of these systems from their patrol cars.

Report-Writing Software

Iowa state officials provided our department with new report-writing software at no cost. With this software, immediately after a car accident, a device sends crash data directly to the Iowa Department of Transportation and citation data directly to the clerk of court.

To expedite this process even further, we commissioned a third-party vendor to interface the report-writing tool with RMS so that we can electronically transmit data from the cars into our central records. The software generates a report that draws from our criminal information reports, crash reports, electronic citations, and electronic warnings. Then, supervisors accept or reject the report through the electronic review process before the information enters RMS. With these upgrades, the system makes information available to the whole agency within 24 hours of the incident.

The report-writing software also generates a field interview report. Here, officers document any suspicious information they discover during an interview or any event they deem notable but that does not fit into a specific category in other paperwork. Our personnel review this data daily to examine if it correlates with any larger crime trends.

Backup Database

In addition to the data in RMS, we store electronic images of the reports in a second database.

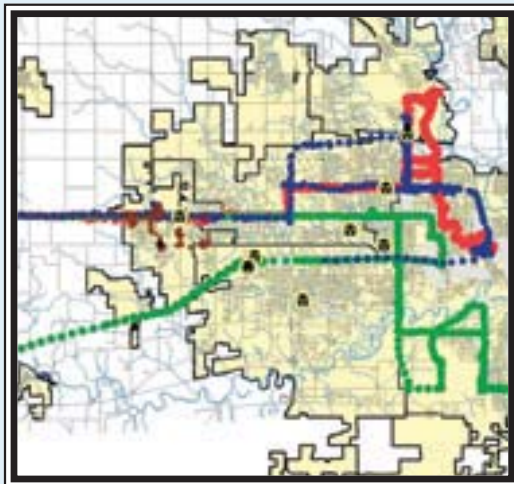
This system mitigates the risk of losing our data if one database collapses. It also allows personnel to search for information in new ways and even produces a hard copy report. This duplication reduces employees' fears of technology failure connected with transitioning to a paperless world.

Crime Analysis

After we implemented this new technology, we needed an employee who would manage and operate these new tools full-time; therefore, we hired a crime analyst to mine the data to discover patterns and trends in criminal behavior. To make our analyst as productive as possible, we provided her with an even more sophisticated version of our technology—she works with powerful software that mines our data in greater detail. We also wanted the rest of the department to learn from our analyst's assessments, so we worked with vendors to set up an automated process that plots this crime data on an electronic map. We then purchased a Web-based tool that makes this crime map available to all users, whether in the station or a patrol car.

Once a month, we meet to review this crime data and discuss ongoing trends. Officers must be prepared to speak about worrisome patterns and steps they have taken to reverse the trends. This meeting serves as a great communication tool because it allows all areas of the department to stay abreast of current challenges and offer solutions.

The crime analyst also helps keep these tools relevant to the daily tasks of officers. At the monthly meeting, she presents a report that indicates when we received service calls, what departments they pertained to, and what reports were authored; she even breaks down the calls by both time of



day and police territory or geographic location. This keeps our officers informed and gets more employees to use the tools on their own. The crime analyst's presentation also reminds officers of the tools available to assist them with more efficient information gathering.

Geographic Information Systems

Our department and stakeholders responded very positively to our crime analyst and crime-mapping project, which led us to create another new job position: geographic information system (GIS) coordinator. Our new coordinator needed to obtain city- and county-wide geographic information to develop GIS tools and, thus, had to solicit help from various government offices that we never worked with previously. The success of these partnerships led to many other joint projects.

The improved GIS tools displayed immediate results during a recent string of burglaries. Our officers identified a suspect and located the individual's motor vehicle with a global positioning system (GPS). We then created a map that illustrated the suspect's route on three specific nights. The map indicated that the vehicle traveled to the crime scenes on the same nights when the burglaries occurred. Next, we used the GIS data and GPS device to establish an electronic boundary that alerted us when the vehicle traveled beyond a certain distance. Because the device tracks vehicles in real time through a Web site, it notified us immediately via text message when the vehicle crossed the boundary. Our officers intercepted the suspect as he exited a dance studio that he had just burglarized. Eventually, the county convicted the suspect on felony burglary

charges. GIS tools helped us solve not only this case but numerous others.

STRATEGIES FOR SUCCESS

Interagency Collaboration

For departments to successfully advance their data-gathering capabilities, they must collaborate with other agencies and share information. To boost the effectiveness of our new technology, we developed new ways to share our data and receive information from other departments. Therefore, we spearheaded an information-sharing project among different agencies in the county, including the Polk County Sheriff's Office and the Des Moines Police Department.

To collaborate with other government offices and law enforcement agencies, we needed a system to translate the myriad types of data used by each office. We commissioned a vendor to build a data warehouse that accepts information from different systems around the law enforcement community. The Web-based database allows users to retrieve information gathered by numerous law enforcement agencies in different locations. This

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To boost the effectiveness of our new technology, we developed new ways to share our data and receive information from other departments.

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tool provides a more global view for officers on patrol. If officers stop an individual on the street, right from their patrol car, they can obtain photographs of subjects to identify them. Also, leveraging multiple data sources gives officers a wider range of information about suspects during their investigations.

Training

As we acquired these new tools, we recognized that they would add value to the department

only if employees embraced them and used them properly. Our department immediately introduces all new officers to the proactive policing philosophy and tools during their initial 12-week field-training period. We instruct them on how to input information into the reporting systems, as well as how to access the information systems that might help them piece together the puzzles of their investigations.

To train our employees more specifically for each device, whenever we roll out a new tool or software, we hold 1-day training sessions for all department employees. To follow up, during in-service training, we reinforce to officers how to access the information they gather during investigations. We continually instruct our employees on how to analyze crime maps, access the RMS, and reach out to the crime analyst for assistance.

The initial 1-day sessions provide the necessary foundation for the technological overhaul. But, to truly engrain the new tools in the department's daily operations, we conduct the additional sessions and monthly crime-analysis meetings to remind our employees of the benefits of these tools. Sufficient training is crucial for the success of any technological changes; without a strong commitment from our employees, these new tools would remain underused, and the department never would transition from a reactive department to a proactive one.

Community Feedback

Before we fully implemented these changes, we engaged the community to inform them of our efforts and solicit their feedback. We first showed

the tools to our Police Chief's Advisory Council, a group of community members who we consult about new ideas, programs, and services. We explained our proactive policing philosophy and how our new tools contributed to this ideology, and the group supported our ideas. We also developed a presentation with a slide show and a live demonstration of the crime-mapping tool, and we showcased it to any stakeholder group who would listen. We also demonstrated the crime-mapping tool at area GIS conferences.

LESSONS LEARNED

WDMPD initiated this journey to improve police services in 1999. As we look back to where we started and where we are now, we clearly learned many lessons to get to this point.

First, a successful organization demands three components: people, processes, and technology, and this means that commercial off-the-shelf products alone will not progress an agency. Departmentwide improvements require not just advanced technology but also support from employees and heavy logistical planning.

Second, no one can build a department's processes and systems better than its own personnel. Therefore, someone or several people in the department must learn about the systems inside and out and put them into practical application. Before a department purchases anything, personnel must thoroughly research the vendor, and someone must serve as the project manager to take ownership of the project and drive its success. Several other employees need to become experts with the new tools to teach others how to use them and to



promote their value to other employees. These employees and the project manager should act as that project's biggest champions and hold some accountability for its success.

CONCLUSION

Undoubtedly, progressive technology amplifies the efficiency of law enforcement agencies. However, we at the West Des Moines Police Department realized that technology upgrades cultivate a dynamic, collaborative work environment that benefits a department in countless ways. When our department had to consult with outside personnel for assistance with building and rolling out new systems, this provided unbeatable networking opportunities that paid even bigger dividends. Networking with other organizations, whether with government offices, private companies, or even the Iowa state school system, strengthens our presence across the state and grants us access to higher quality sources of information.

Last, when an agency openly communicates with the public about its efforts, it illustrates to the community that the department is flexible to change and that it welcomes their input, which inspires better cooperation. This change greatly contributes to an agency's ultimate goal: to reduce crime and enhance quality of life in the community. ♦

Endnotes

¹ In this article, the author provides his agency's experiences as a general overview of police technology. No specific product names could be mentioned because of Department of Justice publishing guidelines.

Lieutenant Coppess of the West Des Moines, Iowa, Police Department serves as the commander of the agency's Criminal Investigations Unit and its Police Records and Technology Unit.

Wanted: Photographs



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Searches of Motor Vehicles Incident to Arrest in a Post-Gant World

By KENNETH A. MYERS, J.D.

On April 21, 2009, the U.S. Supreme Court decided *Arizona v. Gant*,¹ in which the Court announced new, narrow rules as to when law enforcement officers properly may search the passenger compartment of a motor vehicle incident to the arrest of one of its occupants. For approximately 28 years prior to *Gant*, police relied upon the apparent holdings of other U.S. Supreme Court decisions,² as well as the holdings of other state and federal precedent, to

provide broad justification³ for searches following the lawful arrest of any occupant, or recent occupant, of a motor vehicle.

However, in *Gant*, the Court limited this Fourth Amendment search authority to two circumstances: “police may search a vehicle incident to a recent occupant’s arrest only if the arrestee is within reaching distance of the passenger compartment at the time of the search or it is reasonable to believe the vehicle contains evidence of the offense of the arrest.”⁴ This

article examines how lower courts have interpreted the two-part holding of *Gant* and provide law enforcement officers guidance in conducting future searches of motor vehicles incident to arrest in a post-*Gant* world.

Summary of *Gant*

In *Gant*, Tucson police officers arrested Rodney Gant for driving with a suspended license. After he was handcuffed and locked in the back of a patrol car, officers searched

his car and found cocaine in a jacket located on the backseat. *Gant* moved to suppress the cocaine found on the grounds that the warrantless search of his car violated the Fourth Amendment. The Arizona Supreme Court held that the search-incident-to-arrest exception to the Fourth Amendment's warrant requirement did not justify the search in this case.⁵

The U.S. Supreme Court agreed. Under the facts of the case, *Gant* was not within reaching distance of the vehicle at the time of the search (he was handcuffed and locked inside a police car), and there was no reason to believe the car contained evidence of the crime for which he was arrested (driving with a suspended license). Therefore, the search of his car violated the Fourth Amendment, and the contraband discovered during the search was suppressed.⁶

Searches Incident to Arrest

According to the Supreme Court, searches conducted without a warrant are presumed unreasonable.⁷ However, the Court has recognized a "few specifically established and well-delineated exceptions"⁸ to the search warrant requirement, to include searches incident to lawful arrest.⁹ This exception, as defined by the Court in *Chimel v. California*,¹⁰ "derives from interests in officer safety and evidence preservation that are

typically implicated in arrest situations"¹¹ and is limited to areas within the arrestee's "immediate control."¹² In applying this exception to the motor vehicle context, the Court in *New York v. Belton*¹³ held that the area of immediate control is limited to the "passenger compartment of a vehicle and any containers therein as a contemporaneous incident of an arrest of the vehicle's recent occupant."¹⁴ In *Gant*, the Supreme Court clarified that *Belton* tells us what area of the motor vehicle may be searched incident to arrest (scope),¹⁵ while the two-part rule announced in *Gant* establishes when such area may be searched (prerequisite).¹⁶ The *Gant* test is an either/or proposition, meaning that only one prong of the test must be satisfied to be in compliance with the holding of the decision.¹⁷

Access to Passenger Compartment

The first prong of the holding in *Gant* deals with access and states that "police may search a vehicle incident to a recent occupant's arrest only if the arrestee is within reaching distance of the passenger compartment at the time of the search."¹⁸ This part of the *Gant* holding is tethered to the Court's decision in *Chimel v. California*¹⁹ and is based on the "safety and evidentiary justifications" of *Chimel*'s "reaching-distance rule."²⁰

To understand when an arrestee is outside of the reaching distance of the passenger compartment of a motor vehicle, it is best to start with the facts of *Gant*. In *Gant*, the defendant was arrested, handcuffed, and locked in the back of a police patrol car at the time

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**...the Court
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Special Agent Myers is a legal instructor at the FBI Academy.

that his vehicle was searched.²¹ Under these circumstances, the Court determined that the defendant had no access to his vehicle and that the search of his vehicle incident to his arrest was unreasonable under the first prong of the *Gant* test.²² Clearly, if an individual has been arrested, placed in handcuffs, and secured in a police vehicle, the first prong of *Gant* does not permit law enforcement officers to conduct a search incident to arrest of the passenger compartment of that individual's motor vehicle as the individual no longer has access to the vehicle. Courts interpreting the Supreme Court's ruling agree that searches incident to arrest under these circumstances would be unreasonable under the first prong of *Gant*.²³ However, if there are multiple occupants in a vehicle and one occupant is arrested, handcuffed, and secured in a police vehicle, the search of the passenger compartment of the vehicle nevertheless may be permissible incident to arrest if the other occupants still have access to the vehicle. For example, in *United States v. Davis*,²⁴ the Eighth Circuit Court of Appeals upheld the search of the passenger compartment of a vehicle incident to arrest of the driver when the three remaining, unsecured, and intoxicated occupants "were standing around a vehicle redolent of recently smoked marijuana."

According to the court, the facts presented in this case are "text-book examples of '[t]he safety and evidentiary justifications underlying *Chimel's* reaching distance rule....'"²⁵

Outside of a *Gant*-like fact pattern, where the arrestee is handcuffed and placed in the back of a patrol car, the analysis under this first prong of *Gant* becomes more challenging.

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The key to understanding the second prong of the Gant test is to define "reasonable to believe."

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Some of the difficulty derives from the language used in the majority's decision in *Gant*. In several parts of the decision, the Court refers to whether the arrestee is "secured"²⁶ or "unsecured"²⁷ and within access of the vehicle at the time of the search when analyzing the first part of the test. Moreover, in a footnote, the Court explains that "[b]ecause officers have many means of ensuring the safe arrest of vehicle occupants, it will be the rare case in which an officer is unable to fully

effectuate an arrest so that a real possibility of access to the arrestee's vehicle remains."²⁸ However, when announcing the holding of the decision (and articulating the new two-part rule), the Court dropped any reference to the arrestee being secured or unsecured and simply stated (under the first prong of the test) that police "may search a vehicle incident to a recent occupant's arrest only if the arrestee is within reaching distance of the passenger compartment at the time of the search."²⁹

In *Boykins v. State*,³⁰ the Court of Appeals of Georgia interpreted this first prong of the *Gant* rule "to mean that the police may conduct a search of the passenger compartment of the arrestee's vehicle incident to his lawful arrest in the 'rare case' in which the arrestee has a 'real possibility of access' to his vehicle."³¹ In analyzing *Gant*, the court emphasized that the requirement that the arrestee be "unsecured" was "noticeably absent" from the Supreme Court's first prong of the rule.³²

In *Boykins*, the defendant had been arrested on an outstanding probation warrant, handcuffed, and stood outside of his vehicle under the control of a policeman when his vehicle was searched by another officer. The Court noted that "the trial court apparently inferred from the officer's testimony that

Boykins was within arm's reach of the passenger compartment"³³ at the time of the search. The Court then distinguished *Gant*, reasoning that "unlike the defendant in *Gant*, Boykins had not been placed in the back of the patrol car at the time of the search; he was standing outside of his vehicle."³⁴ Accordingly, in affirming Boykin's conviction for possession of cocaine (which was found in the passenger compartment of his vehicle during the search incident to arrest), the Court held that "whether he [Boykins] had any 'real possibility of access' to the passenger compartment of his vehicle was a mixed question of fact and law for the trial court to determine. We will not second-guess the trial court's finding that the search was justified under *Gant* and *Chimel* on the basis of officer safety."³⁵

Similarly, in applying the two-part *Gant* rule to a nonvehicle situation, the Third Circuit Court of Appeals in *United States v. Shakir*³⁶ held that "a search is permissible incident to a suspect's arrest when, under all the circumstances, there remains a reasonable possibility that the arrestee could access a weapon or destructible evidence in the container or area to be searched. Although this standard requires something more than a theoretical possibility that a suspect might access a weapon or evidence, it

remains a lenient standard."³⁷

In *Shakir*, the court affirmed the conviction of an individual for armed bank robbery and refused to suppress evidence found in a bag near his feet during a search incident to his arrest. The court reasoned that "[a]lthough he was handcuffed and guarded by two policemen, Shakir's bag was literally at his feet, so it was accessible if he dropped to the floor. Although it would have been more difficult for Shakir to open the bag and



retrieve the weapon while handcuffed, we do not regard this possibility as remote enough to render unconstitutional the search incident to arrest."³⁸ The court, citing the Fifth Circuit Court of Appeals, explained that handcuffs are not "fail-safe"³⁹ and "are a temporary restraining device; they limit but do not eliminate a person's ability to perform various acts."⁴⁰

On the other hand, in *State v. Carter*⁴¹ the Court of Appeals of North Carolina ruled that when the defendant had been "removed from the vehicle, handcuffed, and directed to sit on a curb" when the search of the vehicle was conducted, there was "no reason to believe defendant was within reaching distance or otherwise able to access the passenger compartment of the vehicle."⁴² Accordingly, the court could not justify the search incident to arrest under the first prong of *Gant*.⁴³

Additionally, in *United States v. Chavez*,⁴⁴ the U.S. District Court for the Eastern District of California held that when a defendant fled from the site of an attempted arrest, police were not justified to search his vehicle incident to arrest. The subject had eluded the officers, jumped a fence, and was nowhere near the scene when the search of his vehicle was conducted. Moreover, the police were standing by the car to ensure that if the defendant did return, he would not have access to the vehicle.⁴⁵

From these decisions, it is clear that the first prong of the *Gant* test involves "case-by-case, fact specific decision making"⁴⁶ by law enforcement as there no longer is any bright-line rule. The first prong of the test hinges on access and requires officers to articulate facts demonstrating that there

is a real or reasonable possibility that the defendant can access the passenger compartment to obtain a weapon or destroy evidence at the time of the search. When an arrestee has been handcuffed and secured in a police vehicle, the justification for a subsequent search incident to arrest of the passenger compartment of the arrestee's vehicle no longer is present under the first prong of the test. However, when the arrestee has been handcuffed but not yet secured in a police vehicle, there is case law in support of permitting the search of the passenger compartment of the arrestee's vehicle incident to arrest for weapons and evidence as long as the arrestee still is within reaching distance of the vehicle. This is not to recommend that officers keep recently arrested subjects near their vehicles so that such searches may be justified as officer safety remains of paramount importance.

"Reasonable To Believe" Standard

The second prong of the *Gant* test permits the search of the passenger compartment of a motor vehicle following the arrest of a recent occupant of that vehicle when "it is reasonable to believe the vehicle contains evidence of the arrest."⁴⁷ This prong does not deal with access⁴⁸ and is not tethered to the holding of *Chimel*.⁴⁹ Instead,

this prong is "consistent with the holding in *Thornton*"⁵⁰ and is based on Justice Scalia's concurring opinion in that case.⁵¹ Additionally, this second prong is "unique to the automobile context."⁵²

The key to understanding the second prong of the *Gant* test is to define "reasonable to believe." In *Gant*, the police arrested the defendant for driving with a suspended license.⁵³ The Court found the subsequent search incident to arrest of the

To understand when an arrestee is outside of the reaching distance of the passenger compartment of a motor vehicle, it is best to start with the facts of Gant.

defendant's vehicle to be unreasonable as it was not likely that the police would discover offense-related evidence during the search.⁵⁴ The Court explained that "[i]n many cases, as when a recent occupant is arrested for a traffic violation, there will be no reasonable basis to believe the vehicle contains relevant evidence...

[b]ut in others, including *Belton* and *Thornton*, the offense of the arrest will supply a basis for searching the passenger compartment of an arrestee's vehicle and any containers therein."⁵⁵ Of note, both *Belton*⁵⁶ and *Thornton*⁵⁷ involved arrests for drug offenses.

The majority in *Gant* did not provide further explanation or guidance as to the second prong of the test. As stated by Justice Alito in his dissenting opinion, this "creates a host of uncertainties."⁵⁸ Not surprisingly, lower courts have struggled with the language of this part of the test and have come up with myriad interpretations.

An analysis of these lower court opinions reveals some commonalities. First, the courts generally have not interpreted the "reasonable to believe" standard as being synonymous with probable cause. The vast majority of courts interpreting *Gant* have concluded that the standard is less than probable cause, reasoning that a probable cause standard merely would duplicate the level of proof required under the motor vehicle exception.⁵⁹ However, if the standard is not probable cause, what is it? Courts interpreting this part of the test are not in agreement.⁶⁰ There has been a wide range of explanations of the test,⁶¹ but most courts conclude that "reasonable to believe" is determined in one

of two ways: 1) by a reasonable suspicion standard or 2) by the nature of the offense. It should be noted that Justice Alito, who dissented in *Gant*, has described this test as a “reasonable suspicion requirement.”⁶²

In *United States v. Vinton*,⁶³ the D.C. Court of Appeals presumed that “‘the reasonable to believe’ standard probably is akin to the ‘reasonable suspicion’ standard required to justify a *Terry*⁶⁴ search.”⁶⁵ In applying the standard to the facts of the case, the court justified the search of a locked briefcase found in the passenger compartment of a defendant’s vehicle after he was arrested for the unlawful possession of a weapon and the officer had discovered other weapons in the vehicle during a protective search of the passenger compartment.

In *People v. Chamberlain*,⁶⁶ the Supreme Court of Colorado, *en banc*, concluded that the “reasonable to believe” standard of *Gant* requires “some degree of articulable suspicion,” similar to the “lesser degree of suspicion commensurate with that sufficient for limited intrusions, like investigatory stops.”⁶⁷ The court reasoned that the “‘nature-of-the-offense’ exception, in which a reasonable belief is held to exist whenever the crime of arrest is one for which evidence is possible and might conceivably be found in the arrestee’s vehicle...would suffer

from objections similar to those that *Gant* condemned in the broad reading of *Belton*.”⁶⁸ In *Chamberlain*, the court upheld the suppression of evidence found in the defendant’s vehicle after she had been arrested for false reporting; when the officer already possessed her driver’s license, registration, and proof of insurance; and it was not reasonable that her vehicle would contain any additional evidence of the offense of the arrest.⁶⁹



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A second line of cases interprets “reasonable to believe” as a “nature-of-the-offense” test. This test originates from the Court’s language in *Gant*, where the Court explained that there are some offenses, like traffic violations, where “there will be no reasonable basis to believe the vehicle contains relevant evidence.”⁷⁰ The Court then cited as examples *Atwater v. Lago Visa*⁷¹ (involving an arrest

for “driving without [a] seat-belt fastened, failing to secure [passenger] children in seat-belts, driving without a license, and failing to provide proof of insurance”)⁷² and *Knowles v. Iowa*⁷³ (involving an arrest for speeding). The Court stated that in other cases, like *Belton*⁷⁴ and *Thornton*⁷⁵ (both involving drug arrests), the “offense of arrest will supply a basis for searching the passenger compartment of an arrestee’s vehicle and any containers therein.”⁷⁶ The Court then concluded that since *Gant* was arrested for driving with a suspended license, the police could not expect to find evidence of this crime in the passenger compartment of his vehicle.⁷⁷

A significant number of lower courts have used the above language to conclude that the second prong of *Gant* hinges on the “nature of the offense” involved in the arrest and “not some independent evidence that gives rise to a belief that the particular vehicle contains evidence.”⁷⁸ With this test in mind, it is important to examine what types of offenses courts have determined would fall within the parameters of the test. Clearly, most routine traffic offenses fall outside this second prong of *Gant*.⁷⁹ However, courts have justified searches incident to arrest under the “nature of the offense” test for the following offenses: theft,⁸⁰ drug

offenses,⁸¹ illegal firearms,⁸² driving under the influence,⁸³ and fraud and abuse.⁸⁴ It must be remembered that this search authority is limited to evidence of the crime for which the arrest was made “or of another crime that the officer has probable cause to believe occurred.”⁸⁵

Conclusion

While the U.S. Supreme Court has limited the ability of law enforcement to search the passenger compartment of a motor vehicle incident to the arrest of a recent occupant of that vehicle, it certainly has not eliminated this viable search warrant exception. However, officers applying this exception must be familiar with the wording and meaning of the Court’s two-part test articulated in *Gant*. It also must be remembered that facts satisfying either prong of the test will result in a reasonable search incident to arrest.

Under the first prong, the defendant still must have a real possibility of access to the vehicle at the time of the search for this part of the test to be satisfied. This has become a fact-specific, case-by-case determination for the officer to make at the scene of the arrest. Factors in this analysis include whether or not the subject is handcuffed, or secured in a police vehicle, the proximity of the subject to the vehicle to be searched, and subject-to-officer ratio.

If the arrestee no longer has access to the passenger compartment of the vehicle, the officer must determine if it is reasonable to believe that evidence of the offense of the arrest is located in the passenger compartment of the vehicle to be searched. Courts have differed in their interpretation of this second prong of the test, and, until the Supreme Court specifically addresses this issue,

“While the holding of *Gant* restricted searches incident to arrest, it had no impact on the other exceptions...”

it is incumbent on law enforcement officers to learn and follow the precedent of their respective jurisdictions. The two most common interpretations of the second prong of the test are the reasonable suspicion standard and the nature-of-the-offense test.

Even if both prongs of the *Gant* test are inapplicable, a search of a passenger compartment of a motor vehicle still would be considered reasonable if the officer obtains a warrant

or follows the prerequisite and scope of another recognized search warrant exception.⁸⁶ While the holding of *Gant* restricted searches incident to arrest, it had no impact on the other exceptions, such as consent,⁸⁷ the emergency exception,⁸⁸ the motor vehicle exception,⁸⁹ and the inventory exception.⁹⁰ ♦

Endnotes

¹ 556 U.S. ----, 129 S. Ct. 1710 (2009).

² In *New York v. Belton*, 453 U.S. 454, 460, 101 S. Ct. 2860, 2864 (1981), the U.S. Supreme Court held that “when a policeman has made a lawful custodial arrest of the occupant of an automobile, he may, as a contemporaneous incident of that arrest, search the passenger compartment of that automobile.” In *Thornton v. United States*, 541 U.S. 615, 124 S. Ct. 2127 (2004), the Court extended the holding of *Belton* to allow for the lawful search of the passenger compartment of a motor vehicle following the arrest of a recent occupant of that vehicle.

³ *Gant* at 1718-1719.

⁴ *Id.* at 1723.

⁵ *Id.* at 1714-1716.

⁶ *Id.* at 1719. A detailed account of the facts of *Gant* and an in-depth review of the legal precedent leading up to the decision have been the subject of a previous *Law Enforcement Bulletin* article and will not be repeated herein. See Richard G. Schott, “The Supreme Court Reexamines Search Incident to Lawful Arrest,” *FBI Law Enforcement Bulletin*, July 2009. Additionally, the retroactive application of *Gant*, whether police may rely on a “good faith” exception to the exclusionary rule for pre-*Gant* searches, and the extension of *Gant* beyond the motor vehicle context all are beyond the scope of this article.

⁷ *Gant* at 1716 (citing *Katz v. United States*, 389 U.S. 347, 357 (1967)).

⁸ *Id.*

⁹ *Id.*; *Weeks v. United States*, 232 U.S. 383, 392, 34 S. Ct. 341 (1914).

¹⁰ 395 U.S. 752, 763, 89 S. Ct. 2034, 23 L.Ed.2d 685 (1969).

¹¹ *Gant* at 1716; *United States v. Robinson*, 414 U.S. 218, 230-234, 94 S. Ct. 467 (1973); and *Chimel v. California*, 395 U.S. 752, 763, 89 S. Ct. 2034 (1969).

¹² *Gant* at 1714 (citing *Chimel v. California*, 395 U.S. 752, 763, 89 S. Ct. 2034 (1969)).

¹³ 453 U.S. 454, 101 S. Ct. 2860 (1981).

¹⁴ *Gant* at 1715; and *New York v. Belton*, 453 U.S. 454, 460, 101 S. Ct. 2860, 2864 (1981).

¹⁵ *Gant* at 1717-1718, 1724.

¹⁶ *Id.* at 1724.

¹⁷ *Id.* ("police may search a vehicle incident to a recent occupant's arrest only if the arrestee is within reaching distance of the passenger compartment at the time of the search or it is reasonable to believe the vehicle contains evidence of the offense of the arrest [emphasis added]). See also *United States v. Davis*, 569 F.3d 813, 816-817 (C.A. 8 2009); *Commonwealth v. Elliott*, 322 S.W.3d 106, 110 (Ky. App. 2010); and *Brown v. State*, 24 So.3d 671, 678, 34 Fla. L. Weekly D2593 (DC App. Fla. 2009).

¹⁸ *Id.* at 1723.

¹⁹ 395 U.S. 752, 89 S. Ct. 2034, 23 L.Ed.2d 685 (1969).

²⁰ *Gant* at 1714.

²¹ *Id.* at 1714-1715.

²² *Id.* at 1719, 1723.

²³ See, for example, *United States v. Lopez*, 567 F.3d 755, 757-758 (C.A. 6 2009); *United States v. Ruckes*, 586 F.3d 713 (C.A. 9 2009) (no authority for search incident to arrest but justified under inventory exception); *People v. Chamberlain*, 229 P.3d 1054, 1055 (Colo. 2010); *United States v. Megginson*, 340 Fed.Appx. 856, 857 (C.A. 4 2009); *State v. Johnson*, ---N.C.App.---, 693 S.E. 2d 711,717 (2010); *United States v. Majette*, 326 Fed. Appx. 211, 213 (C.A. 4 2009) (unpublished); *United States v. Kelley*, 2011 WL 201477 (S.D. Texas 2011); and *United States v. Reagan*, 713 F.Supp2d 724, 727 (E.D. Tenn. 2010).

²⁴ 569 F.3d 813 (C.A. 8 2009).

²⁵ *Id.* at 817. See also *United States v. Goodwin-Bey*, 584 F.3d 1117, (C.A. 8 2009), *cert. denied* ___U.S.____, 130 S. Ct. 1563, 176 L.Ed.2d 148 (2010) (permitting search of passenger compartment of motor vehicle incident to the arrest of one of the passengers due to safety concern based on earlier report of a weapon in the vehicle and presence of three remaining passengers outside of the vehicle. The three passengers had been patted down, but were not restrained or otherwise secured); and *United States v. Salamasina*, 615 F.3d 925 (C.A. 8 2010) (search of passenger compartment of vehicle permitted incident to the arrest of driver on drug charges, even though at time of search he was



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handcuffed and moved to a location next to the patrol car and away from the vehicle. Defendant's fiancée and two minor children still had access to the vehicle, and the fiancée repeatedly entered and exited the vehicle to tend to her children and spoke in a foreign language to the arrestee despite the officer's instructions not to do so).

²⁶ *Gant* at 1714 ("we hold that *Belton* does not authorize a vehicle search incident to a recent occupant's arrest after the arrestee has been secured and cannot access the interior of the vehicle").

²⁷ *Id.* at 1719 ("the *Chimel* rationale authorizes police to search a vehicle incident

to a recent occupant's arrest only when the arrestee is unsecured and within reaching distance of the passenger compartment at the time of the search").

²⁸ *Supra* note 4.

²⁹ *Id.* at 1724.

³⁰ ---S.E.2d---, 2010 WL 4243134 (Ga. App. 2010).

³¹ *Id.* at p. 6.

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ 616 F.3d 315 (C.A. 3 2010), *cert. denied* 131 S. Ct. 841 (2010).

³⁷ *Id.* at 321.

³⁸ *Id.*

³⁹ *Id.* at 320.

⁴⁰ *Id.* (citing *United States v. Sanders*, 994 F.2d 200, 209 (C.A. 5 1993)). See also *United States v. Perdoma*, 621 F.3d 745, 753 (C.A. 8 2010) (without expressly holding that *Gant* applied to nonmotor vehicle situations, the Court reasoned that the fact that the defendant had been handcuffed and restrained by police in a bus terminal at the time of his arrest did not mean that he clearly was outside of reaching distance of his nearby bag at the time of the search).

⁴¹ 682 S.E.2d 416 (N.C. App. 2009).

⁴² *Id.* at 421.

⁴³ *Id.*

⁴⁴ 2009 WL 4282111 (E.D. Cal. 2009).

⁴⁵ *Id.* at p. 5.

⁴⁶ *Gant* at 1729 (2009) (Alito, J., dissenting).

⁴⁷ *Id.* at 1724.

⁴⁸ *United States v. Davis*, 569 F.3d 813, 816-817 (C.A. 8 2009); and *Commonwealth v. Elliott*, 322 S.W.3d 106, 110 (Ky. App. 2010).

⁴⁹ 556 U.S. ---, 129 S. Ct. 1710, 1719 (2009).

⁵⁰ *Thornton v. United States*, 541 U.S. 615, 124 S. Ct. 2127 (2004) (the U.S. Supreme Court extended the holding of *Belton* to allow for the lawful search of the passenger compartment of a motor vehicle following the arrest of a recent occupant of that vehicle).

⁵¹ *Gant* at 1714, 1719.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.* at 1719.

⁵⁵ *Id.*

⁵⁶ 453 U.S. 454, 456, 101 S. Ct. 2860, 2864 (1981).

⁵⁷ 541 U.S. 615, 618, 124 S. Ct. 2127 (2004).

⁵⁸ See *Meggison v. United States*, 129 S. Ct. 1982 (2009) and *Grooms v. United States*, 129 S. Ct. 1981 (2009) (dissenting opinions of Justice Alito in two matters before the Court that were remanded for further consideration in light of *Arizona v. Gant*).

⁵⁹ See, for example, *United States v. Vinton*, 594 F.3d 14, 25 (DC Cir. 2010), *cert. denied* 131 S. Ct. 93 (2010); *United States v. Polanco*, ---F.3d---, 2011 WL 420747 at * 4 (C.A. 1 2011); *People v. Chamberlain*, 229 P.3d 1054, 1057 (Colo. 2010); *United States v. Leak*, 2010 WL 1418227 (W.D.N.C. 2010); *Powell v. Commonwealth*, 57 Va. App. 329, 339, 701 S.E. 2d 831 (Va. App. 2010); *Idaho v. Cantrell* 233 P.3d 178, 183 (Idaho App. 2010); but, see *United States v. Grote*, 629 F.Supp 2d 1201, 1203 (E.D. Wash.2009) (reasonable to believe equates to probable cause).

⁶⁰ *State v. Gamboa*, 2010 WL 2773359 (Ariz. App. Div. 1 2010) (unreported).

⁶¹ *Id.*

⁶² *Meggison v. United States*, 129 S. Ct. 1982 (2009).

⁶³ 594 F.3d 14 (D.C.Cir. 2010), *cert. denied* 131 S. Ct. 93 (2010).

⁶⁴ *Terry v. Ohio*, 392 U.S. 1, 88 S. Ct. 1868, 20 L.Ed.2d 889 (1968).

⁶⁵ 594 F.3d 14, 25 (D.C. Cir. 2010), *cert. denied* 131 S. Ct. 93 (2010).

⁶⁶ 229 P.3d 1054 (Colo. 2010).

⁶⁷ *Id.* at 1057. See also *People v. Perez*, 231 P.3d 957 (Colo. 2010); *United States v. Reagan*, 713 F.Supp.2d 724, 733 (E.D. Tenn. 2010) (reasonable-to-believe standard is based on common sense factors and the totality of the circumstances that evidence of the offense of the arrest is in the passenger compartment of the vehicle, in other words “particularized and articulable reasons”); *State v. Mbacke*, ---S.E.2d---, 2011 WL 13814 (N.C. App. 2011) (“we interpret the Supreme Court’s

holding in *Gant* to require an officer to suspect the presence of more direct evidence of the crime of arrest than...highly indirect circumstantial evidence...).

⁶⁸ 229 P.3d 1054, 1056-1057 (Colo. 2010).

⁶⁹ *Id.*

⁷⁰ *Gant* at 1714, 1719.

⁷¹ 532 U.S. 318, 324, 121 S. Ct. 1536, 149 L.Ed.2d 549 (2001).

⁷² *Id.* at 321.

⁷³ 525 U.S. 113, 118, 119 S. Ct. 484, 142 L.Ed.2d 492 (1998).

⁷⁴ *New York v. Belton*, 453 U.S. 454, 460, 101 S. Ct. 2860, 2864 (1981).

⁷⁵ *Thornton v. United States*, 541 U.S. 615, 124 S. Ct. 2127 (2004).

“

...facts satisfying either prong of the test will result in a reasonable search incident to arrest.

”

⁷⁶ *Gant* at 1714, 1719.

⁷⁷ *Id.*

⁷⁸ *Brown v. State*, 24 So.3d 671, 678, 34 Fla. L. Weekly D2593 (D.C. App. Fla. 2009), *review denied* 39 So.3d 1264 (2010); endnote 79.

⁷⁹ *United States v. Lopez*, 567 F. 3d 755, 758 (C.A. 6 2009) (reckless driving); *United States v. Brunick*, 374 FedAppx. 714, 716, 2010 WL 1041369 (C.A. 9 2010) (driving under suspended license); *United States v. Ruckes*, 586 F.3d 713,718 (C.A. 9 2009) (driving under suspended license); *United States v. Bronner*, 2009 WL 1748533 (D. Minn.2009) (driving under revoked license); and *United States v. Holmes*, 2009 WL 1748533 (D. Minn.2009) (unreported) (driving under revoked license).

⁸⁰ *Id.* at 677.

⁸¹ *United States v. Wright*, 374 Fed. Appx. 386, 391, 210 WL 1500520 (C.A.4 2010); *United States v. Brown*, 2009 WL 2346668 (S.D. Ind. 2009); *United States v. Page*, 679 F.Supp.2d 648 (E.D. Va. 2009); and *United States v. Conerly*, 2010 WL 4723434 (E.D. Mi.2010).

⁸² *People v. Osborne*, 175 Cal.App.4th 1052, 1065, 96 Ca.Rptr.3d 696 (Cal.App. Dist.1 Div.4 2009).

⁸³ *Commonwealth v. Elliott*, 322 S.W.3d 106, 110 (Ky. App. 2010); *Idaho v. Cantrell*, 233 P.3d 178, 183 (Idaho App. 2010); but see *United States v. Reagan*, 713 F.Supp.2d 724, 733 (E.D. Tenn. 2010) (DUI arrest alone, without particularized and articulable reason to believe evidence of DUI is contained in vehicle at time of search does not satisfy reasonable-to-believe standard).

⁸⁴ *United States v. Owen*, 2009 WL 2857959 (S.D. Miss., South. Div. 2009).

⁸⁵ *Gant* at 1714, 1725 (Scalia, J., concurring); and *Deemer v. State*, ---P.3d---, 2010 WL 5187698 (Alaska App. 2010).

⁸⁶ *Gant* at 1724.

⁸⁷ *Schneckloth v. Bustamonte*, 412 U.S. 218 (1973).

⁸⁸ *Schmerber v. California*, 384 U.S. 757 (1966); *Michigan v. Long*, 463 U.S. 1032, 103 S. Ct. 3469, 77 L.Ed.2d 1201 (1983); and *Maryland v. Buie*, 494 U.S. 325, 110 S. Ct. 1093, 108 L.Ed.2d 276 (1990).

⁸⁹ *United States v. Ross*, 456 U.S. 798, 820-821, 102 S. Ct. 2157, 72 L.Ed.2d 572 (1982); *United States v. Polanco*, ---F.3d---, 2011 WL 420747 at * 3 (Co. 1 2011).

⁹⁰ *South Dakota v. Opperman*, 428 U.S. 364 (1976).

Law enforcement officers of other than federal jurisdiction who are interested in this article should consult their legal advisors. Some police procedures ruled permissible under federal constitutional law are of questionable legality under state law or are not permitted at all.

Bulletin Notes

Law enforcement officers are challenged daily in the performance of their duties; they face each challenge freely and unselfishly while answering the call to duty. In certain instances, their actions warrant special attention from their respective departments. The *Bulletin* also wants to recognize those situations that transcend the normal rigors of the law enforcement profession.



Chief Carlone

On September 19, 2010, Chief Vincent Carlone of the New Shoreham Police Department in Block Island, Rhode Island responded to a call for a capsized vessel with two people clinging to the hull. Earlier, Hurricane Igor generated huge swells that rolled the boat more than 1,000 feet off shore. Upon arrival at the scene, Chief Carlone donned his diving gear, grabbed a rescue buoy, and entered the dangerous surf. He navigated his way through boulders, crashing waves, and surging whitewater to find the two fishermen. When Chief Carlone reached them, he handed the rescue buoy to one man and swam back into the ocean with the other man in tow. A nearby boat picked them up, so the chief returned for the second fisherman and repeated the rescue process. Then, a harbor master brought the group back to Block Island, and an ambulance transported the men to a local medical center where they received treatment for hypothermia and other minor injuries. Chief Carlone's prompt action and strong physical stamina averted a potentially disastrous event.



Officer Holtz

While on patrol, Officer Jeffrey Holtz of the Bridgeport, Connecticut, Police Department encountered a three-family residence fully engulfed in flames. After he learned that a victim remained trapped in an apartment on the third floor, Officer Holtz entered the burning building immediately. Battling excessive smoke inhalation, he made his way to a second-floor landing and assisted the victim down from her window with the help of a neighbor.

Nominations for the ***Bulletin Notes*** should be based on either the rescue of one or more citizens or arrest(s) made at unusual risk to an officer's safety. Submissions should include a short write-up (maximum of 250 words), a separate photograph of each nominee, and a letter from the department's ranking officer endorsing the nomination. Submissions can be mailed to the Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Outreach and Communications Unit, Quantico, VA 22135 or e-mailed to leb@fbiacademy.edu.

U.S. Department of Justice
Federal Bureau of Investigation
FBI Law Enforcement Bulletin
935 Pennsylvania Avenue, N.W.
Washington, DC 20535-0001

Periodicals
Postage and Fees Paid
Federal Bureau of Investigation
ISSN 0014-5688

Official Business
Penalty for Private Use \$300

Patch Call



The Missouri State Highway Patrol's patch displays a replica of the state's official seal. The center shield features a bald eagle, a grizzly bear, and a crescent moon. Two more grizzly bears representing courage and strength stand on a scroll inscribed with the motto, "Service and Protection." The helmet illustrates state sovereignty, and the circular band and buckle symbolize the connection between the state and federal governments.



The patch of the Lacy Lakeview, Texas, Police Department has a blue background, representing awareness, persistence, and justice; the red letters reflect bravery and resilience; and the white circle indicates purity and innocence. An olive branch surrounds the city's emblem. The red and white star symbolizes the department's commitment to its community.